

**IN THE  
UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                 |   |                            |
|---------------------------------|---|----------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                            |
|                                 | ) | <b>No. 19-CR-916</b>       |
| <b>v.</b>                       | ) |                            |
|                                 | ) | <b>Judge John J. Tharp</b> |
| <b>OTHO HARRIS</b>              | ) |                            |

**MOTION TO WITHDRAW AS COUNSEL**

OTHO HARRIS, by the Federal Defender Program and its attorney, Daniel P. McLaughlin, respectfully submits this motion requesting that the Court enter an order permitting Mr. McLaughlin to withdraw as counsel for Mr. Harris. Should the Court order the appointment of substitute counsel, a lawyer from the Federal Defender Program's panel will be available to enter an appearance.

1. Mr. Harris is charged with arson, in violation of 18 U.S.C. § 844(i). R. 11. He was arrested on December 6, 2019, and was later denied bond following a contested detention hearing on December 11, 2019. R. 3, 8-10. Counsel was appointed to represent Mr. Harris on the date of his arrest. R. 3.

2. On June 15, 2020, the Court entered an order permitting Mr. Harris additional time to file pretrial motions. A status hearing is scheduled for July 15, 2020. R. 35.

3. On June 23, 2020, counsel received the attached *pro se* filing from Mr. Harris. In summary, Mr. Harris requests substitution of counsel. Exh. 1 at 3, 5-7.

4. The attached exhibit makes it clear that there is an irreconcilable conflict between counsel and Mr. Harris and that Mr. Harris does not have the necessary trust and confidence in his counsel. Without divulging privileged communications, counsel's ability to advise Mr. Harris has been damaged beyond repair. As a result, counsel seeks the Court's leave to withdraw so that Mr. Harris may receive the benefit of a new attorney.

Wherefore, for the reasons stated above, it is respectfully requested that the Federal Defender Program and Mr. McLaughlin be permitted to withdraw as appointed counsel and that Mr. Harris be appointed new counsel from the Federal Defender panel.

Respectfully requested,

FEDERAL DEFENDER PROGRAM  
John F. Murphy,  
Executive Director

By: s/ Daniel P. McLaughlin  
Daniel P. McLaughlin  
Counsel for Otho Harris

Daniel P. McLaughlin  
FEDERAL DEFENDER PROGRAM  
55 E. Monroe, Suite 2800  
Chicago, IL 60603  
312/621-8300

Exhibit 1

Otho Harris's *pro se* motion for substitution  
of counsel

Mr. Otho Lee Harris  
Reg. #54769-424  
Metropolitan Corr'l. Ctr.  
71 W. Van Buren St.  
Chicago, IL 60605

Clerk's Office U.S. Dist. Ct.  
Northern Dist. of Illinois  
219 S. Dearbone St. 20th fl.  
Chicago, IL 60604

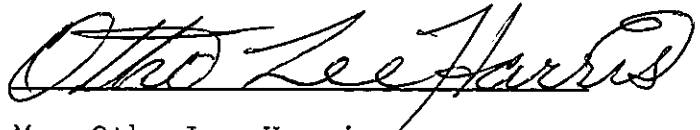
Case No. 19-CR-916

Hon: Tharp  
Presiding Judge

Dear Clerk;

Enclosed is my Motion for Appointment of Counselor  
will you please submit this Motion to Judge Tharp.

Thank You,



Mr. Otho Lee Harris  
Reg. #54769-424  
Metropolitan Corr'l. Ctr.  
71 W. Van Buren St.  
Chicago, IL 60605

Date: 6-17-20

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA.                     )  
Plaintiff.   )     Case No. 19-CR-916  
Vs.   )  
OTHO LEE HARRIS.                             )     Judge: Tharp  
Defendant.                                     )

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NOTICE OF MOTION

PLEASE TAKE NOTICE that on June 17, 20 20. the  
defendant, Otho Lee Harris, filed a Motion for Substitution of  
Counselor with the Clerk of the Court for the Northern District  
of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604,  
a copy of which is attached hereto and herewith served upon you.

as  
Dated on this 17 day of June, 20 20

RESPECTFULLY SUBMITTED



Mr. Otho Lee Harris  
Reg. #54769-424  
Metropolitan Corr'l. Ctr.  
71 W. Van Buren St.  
Chicago, IL 60605

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

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|                            |   |                           |
|----------------------------|---|---------------------------|
| UNITED STATES OF AMERICA.. | ) |                           |
| Plaintiff.                 | ) | Case No. <u>19-CR-916</u> |
| Vs.                        | ) |                           |
| OTHO LEE HARRIS.           | ) | Judge: <u>Tharp</u>       |
| Defendant.                 | ) |                           |

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MOTION FOR SUBSTITUTION OF COUNSEL

Defendant, Otho Lee Harris, acting pro se, hereby requests that this Honorable Court grant him leave to substitute counsel.


In support of this Motion Defendant submits motion for appointment of counsel alleging various issues of evidence in this instant cause, and further states;

Attorney Daniel P. McLaughlin, was appointed by this court. Irreconcilable differences have developed between defendant and attorney D. P. McLaughlin, resulting in a complete breakdown of communication thus making it impossible for counsel to provide defendant with an adequate defense. (See attached Motion)

WHEREFORE, Defendant Otho Lee Harris, request that this Honorable Court order substitute counsel...

Respectfully Submitted,

Date: 6-17-20

  
Mr. Otho Lee Harris  
Reg. #54769-424  
Metropolitan Corr'l. Ctr  
71 W. Van Buren St.  
Chicago, IL 60605

CERTIFICATE OF SERVICE

Defendant, Otho Lee Harris, a non-attorney, states under penalties of perjury, that on this 17 day of June, 2020, he served the foregoing Motion For Substitution Of Counsel upon.

Clerk of the Court  
219 S. Dearborn St.  
Chicago, IL 60604

Daniel P. McLaughlin,  
Attorney  
55 E. Monroe, Suite 2800  
Chicago, IL 60603

By placing same in the U.S. Mail depository at the Metropolitan Correctional Center, postage prepaid,

Dated on this 17 day of June 2020

Otho Lee Harris  
MR. Otho Lee Harris  
Reg. #54769-424  
Metropolitan Corr'l Ctr.  
71 W. Van Buren St.  
Chicago IL 60605

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

|                           |   |                      |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA. | ) |                      |
| Plaintiff.                | ) | No: <u>19-CR-916</u> |
| Vs.                       | ) | Violation: Title 18, |
|                           | ) | Code, Sec. 844 (i)   |
|                           | ) |                      |
| OTHO HARRIS.              | ) | Hon: <u>Tharp</u>    |
| Defendant.                | ) |                      |

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MOTION FOR APPOINTMENT OF  
COUNSELOR

Now comes Otho Lee Harris, pro se., and respectfully moves this Court for Appointment of Counselor to this case.

Deft. asserts that Attorney Daniel P. McLaughlin is ineffective and Deft. makes the following assertions;

1. On the date of Dec. 6, 2019 under title 18 U.S. Code, sec. 844 (i), Deft. was charged with an arson.
2. Deft. asserts he was appointed Attorney Daniel P. McLaughlin of the Federal Defender Program.
3. Deft. asserts on the date of March 20, 2020 Attorney Daniel P. McLaughlin written Deft., explaining certain issues in his case, and clearly indicated that Deft. case is too difficult to defend.
4. Deft. have made numerous of requests by way of mail and video conference for Atty. D.P. McLaughlin to obtain certain evidence before it get lost or misplaced, but to no avail.



5. Deft. have asked Att'y D.P. McLaughlin, to obtain the following evidence in this case, and upon Att'y D.P. McLaughlin, request Deft. explain the relevency of each requests.

1) Suspect in black seen in video surveillance taking white object around the corner east of the Boost Mobile towards the alley.

a. however, a bleach container was photographed in the streets off the alley east of the Boost Mobile store, and log in as evidence allegedly having Deft's DNA on the bleach container.

b. I'd need the complete video surveillance from "Happy Liquor Store," and the video sureillance from the "Pole in the alley," on 79th street Cottage Grove eastside for the date of Sept. 10, 2019, running from 5:00 am til 1:00 pm.

Such video surveillance disc should show how the bleach container end up in the streets and why it was not there when a bus drove over that verÿspot it was in, and why the traffic did not flatten this jug or drag it off.

6. I'd need a copy of the photo lineup of all photos in the lineup.

7. I'd need the Grand Jury Transcript.

8. I'd need the entired area #11 police station video of the A.T.F. taking Deft's clothing and mouth swabs in the interrogation room on the date of Sept. 30, 2019, 5:00 am til 10;00 pm.

9. Owner of Boost Mobile store informed the C.P.D., and/or A.T.F. a week prior to Deft's complaint a guy threaten to burn his store down and he would turn the disc over to the C.P.D. and/or A.T.F. if they need it!

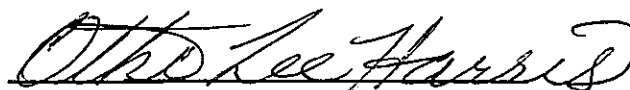
a. I'd like to obtain that disc and anyother threaten incidence on disc.

10. I'd like to obtain any and all reports, video discs, photos and/or surveillance done of Deft's by the C.P.D., and A.T.F.

11. I'd like to obtain Deft's "Work time sheet." given to the ATF by Deft's job.
12. I'd like a record of how many buccol/mouth swabs sample taken from Deft's and how many buccol/mouth swabs sample was turned over to the ATF Lab, and what condition the buccol/mouth swabs was in.
13. Deft's asserts accordly under the 6th and 14th Amendments to the United States Constitution he is entitled to the representation of an effective assistance of counsel.

Wherefore Defendant request this Honorable Court appoint Counsel to represent him.

Respectfully Submitted,



Mr. Otho Lee Harris  
Reg. 54769-424  
Metropolitan Corr'l Ctr.  
71 W. Van Buren St.  
Chicago, IL 60605

Date: 6-17-20